

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 4, 1999

H019416 PEOPLE v. HIEP L.

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J.,  
Wunderlich, J.)  
Filed October 4, 1999

H018593 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J.,  
Wunderlich, J.)  
Filed October 4, 1999

TUESDAY, OCTOBER 5, 1999

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P. J.; Wunderlich, J.; Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H017917 PEOPLE v. ISADORE

H018726 PEOPLE v. ISADORE

Cause called and argued by Andrew Janecki appearing for appellant and by Richard Rochman, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016906 PEOPLE v. HOXIE

Cause called and argued by Robert Spertus appearing for appellant and by Thomas A. Brady, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017705 KUBBY v. REPUBLIC WESTERN INSURANCE CO., et al.

Cause called and argued by appellant appearing in propria persona and by James A. Murphy appearing for respondents. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Tuesday, October 5, 1999 (continued)

H018047 BAJON v. McCLELLAND

The judgment is affirmed. (not published)  
(Cottle, P. J.; We concur: Premo, J., Elia, J.)  
Filed October 5, 1999

H018520 SNELL FAMILY PARTNERSHIP, et al. v. UNITED BROADCASTING  
COMPANY, et al.

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,  
Mihara, J.)  
Filed October 5, 1999

H017425 PEOPLE v. SANCHEZ

H019174 In re SANCHEZ on Habeas Corpus

The matter is remanded for resentencing consistent with the  
views expressed herein. In all other respects, the judgment is  
affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,  
Mihara, J.)  
Filed October 5, 1999

WEDNESDAY, OCTOBER 6, 1999

H017809 ABBATE v. ESPINOZA, et al.

The amended judgment, including the award of attorney fees,  
is affirmed. (not published)  
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,  
Mihara, J.)  
Filed October 6, 1999

Sixth Appellate District

San Jose, California

Wednesday, October 6, 1999 (continued)

H019450 JONES v SANTA CLARA COUNTY SUPERIOR COURT; ROBERT  
EAKLAND JONES, SR.

Let a peremptory writ of mandate issue directing the trial court to modify its order so that petitioner Gayle Countryman Jones is not required to answer certified questions numbers 1, 2, 3, 8, 11, 12, 13, 15, 16, 17, 19, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38. (not published)  
(Elia, J.; We concur: Cottle, P. J., Premo, J.)  
Filed October 6, 1999

THURSDAY, OCTOBER 7, 1999

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P. J.; Wunderlich, J.; Mihara, J.; and Jane Varize, Deputy Clerk.

H018910 PEOPLE v. NGUYEN

Cause called and argued by Gordon Brownell appearing for appellant and by Christina Kuo, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017407 PEOPLE v. KLIMASZEWSKI

Cause called and argued by Philip Johnson appearing for appellant and by Seth K. Schalit, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017840 PEOPLE v. LAWRENCE

Cause called and argued by Alex Green appearing for appellant and by Christopher Grove, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H018837 PEOPLE v. SOWELL

Cause called and argued by Michael Kresser appearing for appellant and by John R. Vance, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, October 7, 1999 (continued)

H019090 MURPHY v. MCDONALD ENTERPRISES, INC.

Cause called and argued by John S. Warnlof appearing for appellant and by Brian J. O'Grady appearing for respondent. Cause ordered submitted. Court is adjourned.

H018853 PEOPLE v. RACHEL M.

By the Court\*:

Appellant's petition for rehearing is denied.

Dated: October 7, 1999 Cottle, P. J.

\*Before Cottle, P. J. and Elia, J.

H019494 IN RE TERRYLEE J., A Minor

By the Court\*:

Appellant's petition for rehearing is denied.

Dated: October 7, 1999 Cottle, P. J.

\*Before Cottle, P. J. and Elia, J.

H017381 GAZZERA v. CALIFORNIA COMMERCE BANK

H017777 GAZZERA, JR. v. CALIFORNIA COMMERCE BANK

By the Court\*:

Appellant Gazzera's and respondent California Commerce Bank's petitions for rehearing are denied.

Dated: October 7, 1999 Bamattre-Manoukian, Acting P. J.

\*Before Bamattre-Manoukian, Acting P. J., Wunderlich, J. and Mihara, J.

H018720 PEOPLE v. JOHNSON

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J., Mihara, J.)

Filed October 7, 1999

H016617 RESTIFO v. RESTIFO

By the Court\*:

Respondent's petition for rehearing is denied.

Dated October 7, 1999 Bamattre-Manoukian, Acting P.J.

\*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J., and Mihara, J.

In The Court Of Appeal Of The State Of California      171  
Sixth Appellate District  
San Jose, California

FRIDAY, OCTOBER 8, 1999

H019993    In re MATTHEW B.; DFCS v. KELLY D., et al.

    The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,  
Mihara, J.)  
Filed October 8, 1999

H018977    JENSCO INC. v FIREMEN'S INSURANCE COMPANY OF NEWARK

    The judgment is affirmed. The award of attorney's fees is  
modified to reflect a reduction of \$3609.50 corresponding to fees  
incurred prior to July 15, 1997. Each party to bear its own costs  
on appeal. (not published)  
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,  
Mihara, J.)  
Filed October 8, 1999

H018396    PEOPLE v. SMITH

    The judgment is modified to strike the second one-year  
enhancement to count one and the second, stayed, one year  
enhancement to count two. As so modified, the judgment is  
affirmed. The trial court is hereby directed to prepare an  
amended abstract of judgment reflecting the above modification  
and to deliver a copy of the amended abstract of judgment to the  
Department of Corrections. The Department of Corrections is  
hereby directed to amend defendant's commitment record to conform  
to the new commitment. (not published)  
(Premo, J.; We concur: Cottle, P. J., Elia, J.)  
Filed October 8, 1999

H019135    PEOPLE v. MARCEL G.

H020072    In re MARCEL G. on Habeas Corpus.

    The judgment is affirmed. The petition for writ of habeas  
corpus is denied. (not published)  
(Premo, J.; We concur: Cottle, P. J., Elia, J.)  
Filed October 8, 1999

Sixth Appellate District

San Jose, California

Friday, October 8, 1999 (continued)

H018716, PEOPLE v. KOHLER

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J.,  
Wunderlich, J.)  
Filed October 8, 1999